



**Draft Report for
Public Comment**

Comments due Aug. 28, 2020
Email: jkolman@mt.gov
Subject: SJ20 Wilderness Study Areas

SJ20: THE FATE OF WILDERNESS STUDY AREAS

July 2020
Environmental Quality Council
Joe Kolman

FINAL REPORT TO THE 67TH MONTANA LEGISLATURE

2019-2020

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Before the close of each legislative session, the House and Senate leadership appoint lawmakers to interim committees. The members of the Environmental Quality Council, like most other interim committees, serve a 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with 2-15-155, MCA.

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This report is a summary of the work of the Environmental Quality Council, specific to the EQC's 2019-2020 [Senate Joint Resolution No. 20](#) study as outlined in the Council work plan. This report highlights key information and the processes followed by the EQC. To review additional information, including audio minutes, and exhibits, visit the EQC website: www.leg.mt.gov/eqc

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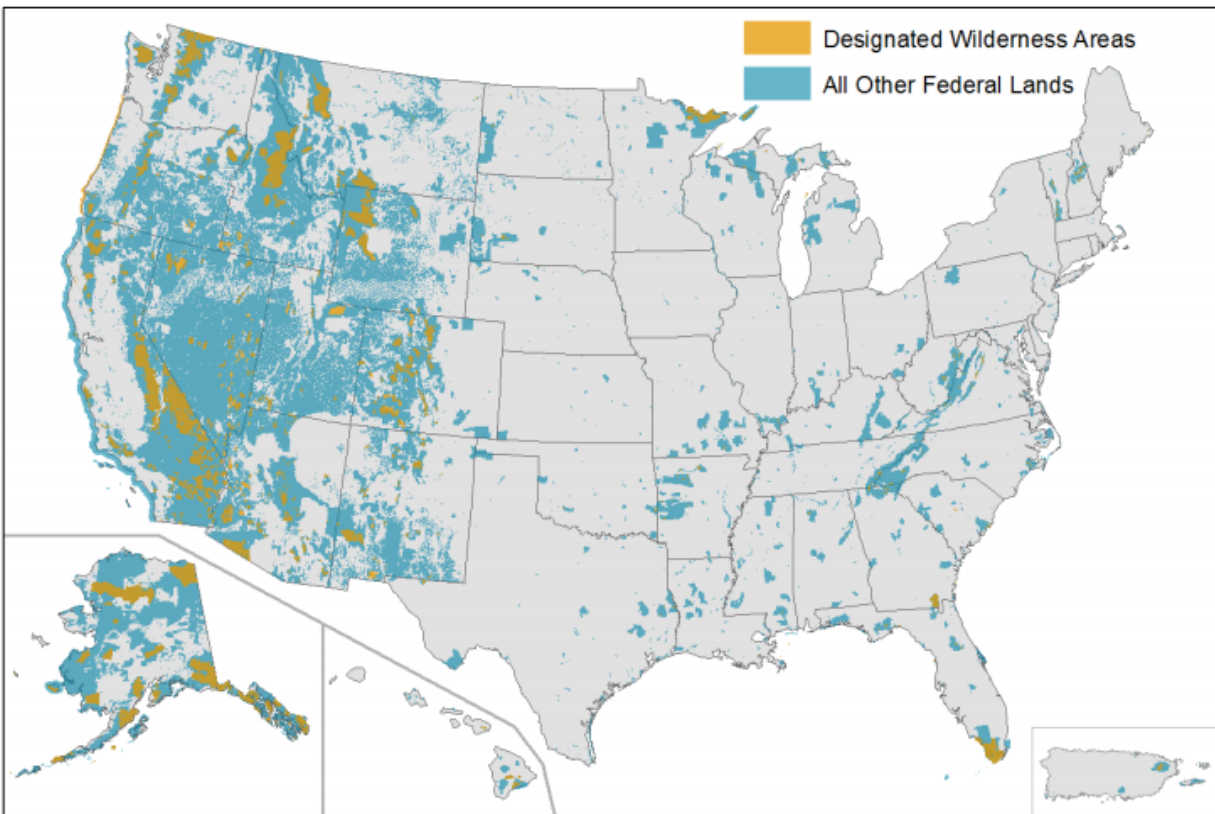
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THE FATE OF WILDERNESS STUDY AREAS

HISTORY

The Wilderness Act of 1964 established areas across the country as worthy of preservation in a wilderness condition, "“where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.”"¹

More than 111 million acres, or about 18% of federally owned land in the United States, is designated as wilderness. More than half of that is contained in Alaska. Montana has about 3.5 million acres of wilderness, the majority managed by the U.S. Forest Service (USFS). The Bureau of Land Management administers just more than 6,000 acres of wilderness and the U.S. Fish and Wildlife Service managed about 65,000 acres.²



Source: Created by CRS using data from Wilderness.net and the U.S. National Atlas.

Notes: The federal lands depicted in this figure include all of the federally owned or administered land areas in the United States, including lands managed by the Department of Defense and Department of the Interior lands held in trust for Indian tribes.

¹ Riddle, Anne and Hoover, Katie; [Wilderness: Overview, Management, and Statistics](#), Congressional Research Service, July 2019.

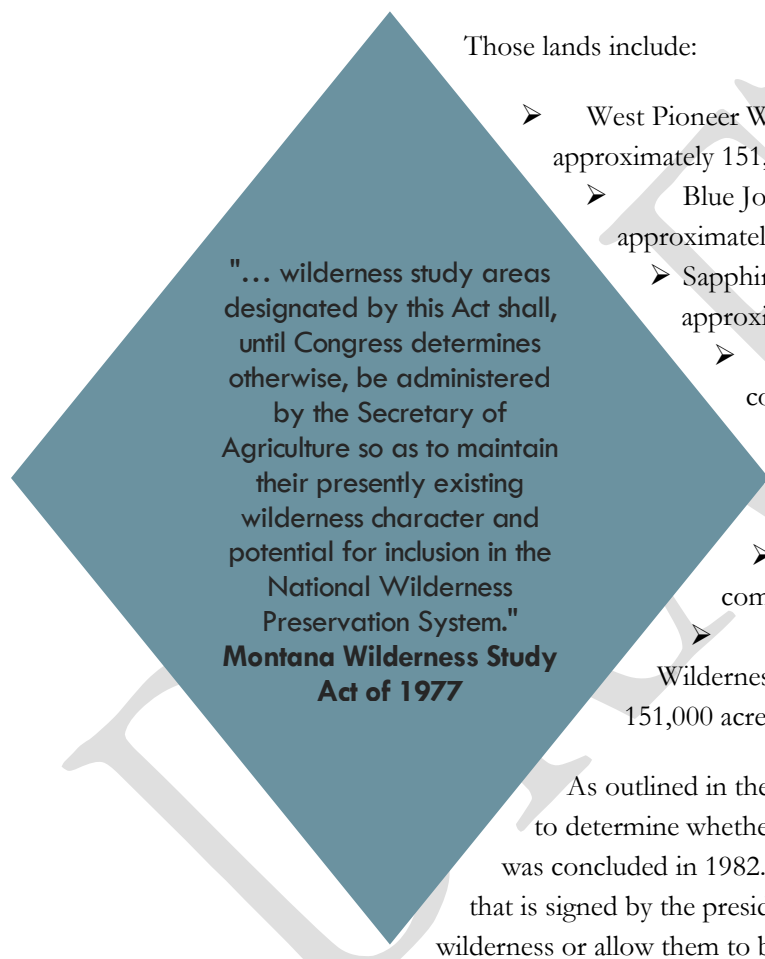
² Ibid.

THE FATE OF WILDERNESS STUDY AREAS

Different in status but similar in management are wilderness study areas, which are the focus of Senate Joint Resolution No. 20 (SJ20) being studied by the EQC.

The [Montana Wilderness Study Act](#) designated almost 663,000 acres of federal land in 1977 to be reviewed for preservation potential, but Congress and presidents have yet to act on disposition of those lands. These lands are managed by the USFS under the Department of Agriculture.³

SJ20 notes there is legal uncertainty over how wilderness study areas affect forest management, road construction, grazing, motorized recreation, weed management, timber harvesting, and local communities.



Those lands include:

- West Pioneer Wilderness Study Area comprising approximately 151,000 acres;
- Blue Joint Wilderness Study Area comprising approximately 61,000 acres;
- Sapphire Wilderness Study Area comprising approximately 94,000 acres;
- Ten Lakes Wilderness Study Area comprising approximately 34,000 acres;
- Middle Fork Judith Wilderness Study Area comprising approximately 81,000 acres;
- Big Snowies Wilderness Study Area comprising approximately 91,000 acres; and
- Hyalite-Porcupine-Buffalo Horn Wilderness Study Area comprising approximately 151,000 acres.

As outlined in the federal legislation, a study of those areas to determine whether they should be designated as wilderness was concluded in 1982. However, Congress must pass legislation that is signed by the president to either designate these areas as wilderness or allow them to be managed like other Forest Service lands.

For the EQC, the Forest Service provided a [background summary](#) for each of its wilderness study areas that includes the original study decision as mandated by the Wilderness Study Act.

As an example, this is the finding for the Big Snowies WSA:

³ The BLM manages 35 wilderness study areas comprising 435,000 acres in Montana, but SJ20 and the EQC focused on those forested lands managed by the USFS.

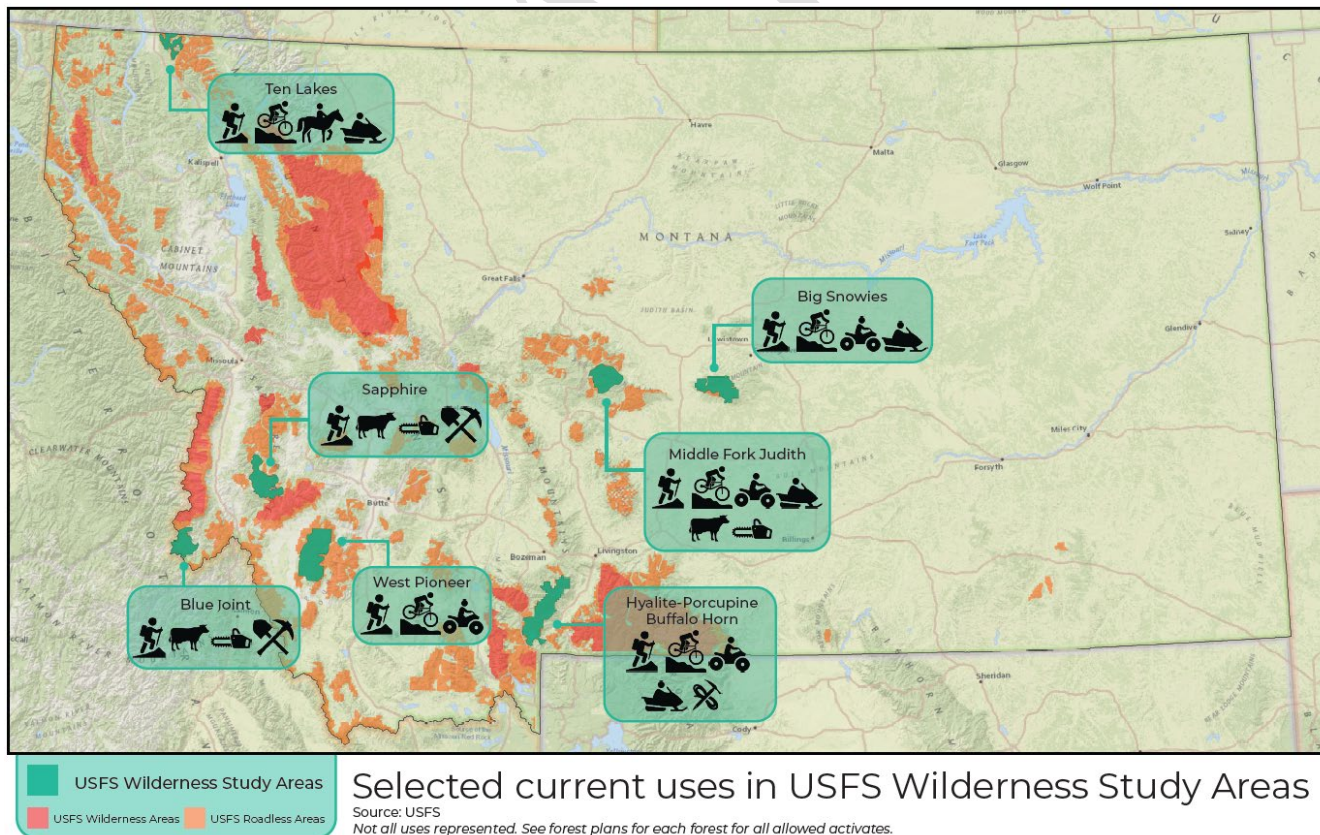
THE FATE OF WILDERNESS STUDY AREAS

"The Forest Service released their Final Environmental Impact Statement (FEIS) and study of the Big Snowies and Middle Fork Judith WSAs in 1982 in accordance with the Montana Wilderness Study Act. After extensive research and public input, the Forest Service recommended the Big Snowies to be managed as nonwilderness stating:

"The Big Snowies contain 50 miles of road: 14 miles of primitive road and 36 miles of low standard road. Almost every stream bottom on the periphery has a road which penetrates the study area for varying distances. Motorized recreation takes place on these roads and some trails... The past and present mineral activity for base and precious metals has been minimal. The southern half of the area has a potential for accumulation of oil and gas. The Forest Service recommends nonwilderness for the Big Snowies Study Area."

CURRENT USES OF WILDERNESS STUDY AREAS

The Forest Service [background summary](#) includes current uses allowed under forest plans for the wilderness study areas.



THE FATE OF WILDERNESS STUDY AREAS

The following table compares elements of each WSA managed by the Forest Service in Montana.

WSA name & unit	Acres ^x	Forest plan recommended wilderness acres & date	Non-winter motorized access ^y	Non-winter mechanized access (mtn bikes)	Winter motorized access ^{y,yy}	Grazing	Suitable timber on nfs lands per forest plan ^z	Mining activity	Utility corridors	Forest plan revision status
Big Snowies (HLC)	91,000	0 (1982)	Y	Y	Y	Y	N	N	N	Underway
Blue Joint (Bitt)	61,000	28,500 (1987)	N	N	N	Y	N	Y	Y (1)	Not yet scheduled (TBD)
Hyalite/Porc/Buf (C-G)	151,000	0 (1987)	Y(motorcycles)	Y	Y	Y	N	N	N	Underway
Middle Fork Judith (HLC)	81,000	0 (1982)	Y	Y	Y	Y	N	Y	Y ^{xx} (1)	Underway
Sapphire (Bitt/B-D)	94,000	0 (1987)	N (Bitt) Y (B-D)	N (Bitt) Y (B-D)	N (Bitt) Y (B-D)	Y (Bitt) Y (B-D)	N (Bitt) N (B-D)	Y (Bitt) Y (B-D)	1 (Bitt) N (B-D)	B-D complete (09) Bitt Revision TBD
Ten Lakes (Koot)	34,00	26,000 (2015)	Y	Y	Y	N	N	Y ^{zz}	N	Completed 2015
West Pioneer (B-D)	151,000	0 (1981 & 2009)	Y	Y	Y	Y	N	Y	N	Completed 2009

THE FATE OF WILDERNESS STUDY AREAS

Wilderness study areas are also covered under the 2001 federal roadless rule. In general, the [rule prohibits road construction and reconstruction](#) in selected areas in addition to restrictions imposed under the Wilderness Study Act. The Forest Service provided [maps](#) showing in more detail the roadless areas in and around WSAs.

In May 2020, [three speakers explained](#) current management, resources, and monitoring of wilderness study areas. Leanne Marten, the Region 1 Forester, spoke about management and forest planning. John Metesh, the state geologist at Bureau of Mines and Geology at Montana Tech explained the [geologic data and mineral potential](#) for the wilderness study areas. And since part of the federal mandate is that the [wilderness character](#) of study areas be maintained, the Forest Service enlisted the Wilderness Institute to conduct field monitoring. As part of the W.A. Franke College of Forestry and Conservation at the University of Montana, the Institute used Montana Conservation Crews and volunteers for the field work. Lisa Gerloff, the citizen science program director for the institute discussed [reports](#) that include findings for:

- Weed infestations;
- Wildlife observations;
- Streambank conditions;
- Infrastructure; and
- Trails

COLLABORATIVE ATTEMPTS AT WSA RESOLUTION

Documents from different sources provide some background on collaborative efforts of stakeholder groups to address concerns related to National Forest lands in Montana, which includes certain wilderness study areas managed by the Forest Service. The Montana Forest Collaboration Network is an “an independent organization of volunteers providing information and services to individuals and groups across the state of Montana that support the management and protection of natural resources. The mission of the organization is to assist collaboration in forest and grassland restoration, conservation, and resource utilization for the benefit of all.”

Sponsors include the Montana Wood Products Association, federal land management agencies, the Wilderness Society, the Society of American Foresters, and the Wilderness Association, among others. The [2019 Annual Report](#) includes an overview of stakeholder efforts.

“MONTANANS HAVE A LONG HISTORY OF WORKING TOGETHER TO FIND COMMON GROUND ON CONTENTIOUS ISSUES RELATED TO NATURAL RESOURCE MANAGEMENT AND PLANNING.”
—SJ20

THE FATE OF WILDERNESS STUDY AREAS

The Wilderness Society provided two related documents. The group compiled a [summary of current collaboration efforts](#) in the state (which are explained more in depth in the Collaboration Network report). The other document, [Collaboration at a Crossroads](#), includes case studies of collaboration in the state.

Panelists

EQC staff consulted with Julia Altemus of the Montana Wood Products Association, Noah Marion of the Montana Wilderness Association, and others regarding panelists for the [January EQC meeting](#). They suggested the following panelists who agreed to address the Council and answer questions. All are involved with at least one of the stakeholder collaboration efforts identified in the background documents.

Name	Affiliation	Background
Brian Kahn	Artemis Common Ground	Attorney
Tony Colter	Sun Mountain Lumber	Logging industry
Barb Cestero	The Wilderness Society	Conservationist
Russ Ehnes	Independent	Motorized recreation activist
Ben Horan	MTB Missoula	Mountain bike activist

ADVICE FROM THE HILL

Many of those who testified before the EQC reiterated that only Congress and the President can decide the fate of wilderness study areas.

Not surprisingly, wilderness delegations generate much interest. While the legislation establishing wilderness and study areas is more than half a century old, [legislation is regularly introduced](#) to designate wilderness and release wilderness study areas.

For its July 2020 meeting the EQC invited the congressional delegation or their representatives to discuss what Montana can do to determine what should be done with those areas in the state. The delegation submitted written comments, which are attached.

THE FATE OF WILDERNESS STUDY AREAS

DRAFT

United States Senate

Mr. Chair, members of the Committee, thank you for the opportunity to share a few words on SJ 20.

This committee has provided a forum for stakeholders to formulate and discuss options to address the disposition of lands designated as Wilderness Study Areas under the Montana Wilderness Study Act of 1977.

The legislature has shown interest in the status of Wilderness Study Areas. This comes as no surprise. Montanans love to recreate on public lands and many depend on them for their livelihoods. My wife Cindy and I spend time in the Absaroka-Beartooth Wilderness every summer and are always excited to return.

We must be good stewards of these resources. The current pandemic has only emphasized the value of Montana's public lands and demonstrated to many that their use is indeed the ideal way to social distance. A solution to this decades' old issue should include local support and will likely focus on issues of access and recreation to these lands whose value will only continue to grow with time in our Treasure State.

I intend to respect the state legislature's findings and will closely examine the Environmental Quality Council's final report.

Thank you,



Senator Steve Daines

Statement of Cong. Greg Gianforte
Montana Environmental Quality Council
July 30, 2020

Members of the Montana Environmental Quality Council;

I appreciate this opportunity to submit a written statement and apologize that my duties in Washington prevent my attendance.

Three principles guide me when it comes to our public lands.

1. We must ensure our public lands stay in public hands.
2. We must protect and increase public access to our public lands.
3. We must listen to and trust our local communities.

Wilderness Study Areas have been studied for decades by federal land management agencies to determine their suitability for inclusion in the National Wilderness Preservation System. These recommendations required actions by Congress to implement. After listening to leaders of land management agencies, members of local communities, and state legislators, it was clear that Congress should follow through with the U.S. Forest Service and Bureau of Land Management recommendations.

As you know, it often takes several years to enact a legislative solution. The 2018 legislation was a starting point, and began the legislative process, of which an important part is soliciting feedback and improving the legislation. After the bill was introduced, I continued talking with constituents in every corner of our state, holding public meetings about the issue.

What I learned from that series of meetings is that, while Montanans in impacted communities are eager to implement recommendations from federal land management agencies, others continue to have concerns about adopting the recommendations writ large. We should recognize that each community is unique, and the residents and their leaders know what is best for them. It is important policymakers listen to them.

I look forward to your recommendations.

**Message for Environmental Quality Council
July 2020**

[Erik Nylund intro]

Hi everyone,

Thank you for allowing me to join the call on behalf of Senator Tester. I'll give a short introduction and then read Senator Tester's message to you all.

Since his election to the U.S. Senate, Senator Tester has believed strongly that the best way to manage Montana's public lands is through collaboration that lets folks on the ground lead the way on what's best for their communities.

His federal lands legislation throughout the years have been based on this bedrock principle.

Senator Tester introduced the *Forest Jobs and Recreation Act* in 2009 which built upon the work of three collaboratives in Montana, and included both release and designation of some WSAs on BLM and Forest Service land. The heart of the proposal was a three legged approach of jobs, recreation, and conservation built by Montanans on the ground who were able to find common cause to move past previous disagreements.

Senator Tester also introduced *Blackfoot Clearwater Stewardship Act*, which was largely a component of FJRA, but made stronger by the coalition of community members who believe deeply in its benefits to conservationists, motorized and mechanized recreation, and timber production. One unique feature of BCSA is the timber partner in the collaborative remains committed to the other interest, even after much of the timber sought in the FJRA was harvested.

And a very recent example of a collaborative success is the *Yellowstone Gateway Protection Act*, which Senator Tester introduced upon request from a local coalition that included business owners, residents, and conservationists.

Each of these examples is a different solution to land management issues in a different community across Montana. But the thru-line here, and what inspires Senator Tester's work on land management across the board is letting local, collaborative efforts from folks on the ground lead the way.

These are complex issues, and there are no easy substitutes for gathering input and finding a compromise that works for Montanans about how to manage our public lands.

And now I'll get to a message from the Senator.

[U.S. Senator Jon Tester message]

Hello Chairman Keane and Members of the Environmental Quality Council

Thank you for letting me share a few words today about our public lands and how they're managed.

Make no mistake, our public lands are our heritage, and they power our \$7.1 billion outdoor economy, which includes recreation, tourism, mining, logging, fishing, hunting and more.

Tinkering with the balance shouldn't be taken lightly.

While some folks feel the 1977 Montana Wilderness Study Act resulted in lands sitting in limbo, some folks are satisfied with the level of protection these lands have, and others would like more protection than there is now.

The fact is, if these were simple issues, they would have been resolved before any of us were in office.

I don't pretend to have all the answers to how lands should be managed, but I do believe it's critical that legislators, myself included, take our lead from Montanans in these communities who are willing to roll up their sleeves to find solutions.

This principle has motivated me since my days in the legislature, and animated my work on everything from the introduction of the Blackfoot Clearwater Stewardship Act, which would expand outdoor recreation opportunities and enhance timber production in and around the Blackfoot and Clearwater Valleys, to the successful passage of my Yellowstone Gateway Protection Act, which permanently protects Paradise Valley from foreign gold mining.

Just last week I introduced legislation to permanently protect the Badger-Two Medicine area east of Glacier National Park after extensive consultation with the Blackfeet Tribe, the Forest Service, conservation advocates, and others.

So, when thinking about public lands management across our state, we would all do well to remember WSAs are not the only public lands of importance to Montanans, and they're far from the only areas where the Forest Service recommends action. These aren't isolated islands of land and we can't treat them that way—they are interconnected lands and ecosystems that can't be managed in a vacuum.

And it's important to mention that not all Montanans agree with the Forest Service recommendations.

Sometimes the Forest Service changes their position over time. We cannot and should not ignore that there have been a lot of change since recommendations were made resulting from the 1977 Act.

But the collaboratives who have brought legislation to me over the years have recognized this, and they proposed changes to reflect current ideas, such as permanent recreation or special management areas that preserve the values these areas hold. They worked hard to find

compromises in adjacent lands to satisfy other interests and build coalitions across ideological boundaries and different points of view.

It's not just that through collaborative effort everyone's voice is heard, although that is important. It's that a coalition of voices working together in concert are stronger and build more durable solutions for communities than if folks were just looking out for themselves.

And that's just the type of local collaboration lawmakers should be taking their lead from.

Politicians in Helena forcing a top down decision on Montana communities is not all that different than politicians in Washington, DC telling folks in local areas how to manage their lands without local input. And let me tell you, that's the wrong way for us to manage our public lands.

We need to let Montanans who live, work, and recreate on and around these lands drive the bus here and not let politics force a one-size-fits-all, top down approach onto folks who know what works best for their communities.

Thank you for letting me say a few words today, and please don't ever hesitate to reach out if I can be helpful.